

**RESPONSE UNDER 37 C.F.R. § 1.116**

**U.S. App. No. 09/485,443**

**REMARKS**

Claims 1-5 are all the claims pending in the application.

**Summary Of The Office Action**

Claims 1-5 are rejected under 35 U.S.C. § 103 as being unpatentable over the combination of “IEEE Standard for a High Performance Serial Bus”, Gorin et al (U.S. Patent No. 5,020,059) and Douceur et al (U.S. Patent No. 6,247,061).

**Analysis of the Rejection of Claims 1-5**

The rejection of claims 1-5 under 35 U.S.C. § 103 and the underlying reasons for this rejection are essentially similar to those contained in the previous Office Action. In the Amendment filed November 12, 2003, various arguments were presented against this rejection, but the Examiner found those arguments to be non-persuasive. More specifically, the Examiner interprets section 8.4.6.2 of IEEE Standard for a High Performance Serial Bus as disclosing “that it is known to group nodes with the same speed capacity adjacent to one another because the high speed device’s speed will be capped [sic, capped] by the lower speed parent device, and to reduce the number of hops.” (Office Action, page 2, last paragraph.) The Examiner combines what he considers to be the disclosure of the IEEE Standard for a High Performance Serial Bus with the other cited references to find teaching for the claimed feature of “connecting a non-used port of the node of the highest priority with a port of the node of the next priority.” Notably, the Examiner reasons that because Douceur teaches bandwidth reservation, and because the nodes at

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the top of the 1394 tree will need higher bandwidth to support speed capping, it would have been obvious to combine the references to arrive at the invention defined by claim 1.

Applicant respectfully submits, however, the Examiner has impermissibly used hindsight gleaned from the present application to find that the IEEE 1394 Standard discloses that it is known to group nodes with the same speed capacity adjacent to one another because the high speed device's speed will be capped by the lower speed parent device. Section 8.4.6.2 of the IEEE 1394 Standard merely states that Serial Bus performance may be optimized by: a) reconfiguring the cable topology in order to reduce the number of hops; b) reconfiguring the cable topology in order to arrange nodes of the same speed capability adjacent to one another; and c) optimizing the gap count for the current cable topology. The Standard recognizes that "a" and "b" are beyond the scope of the Standard. With respect to "b", there is no teaching or suggestion that reconfiguring the cable topology in order to arrange nodes of the same speed capability adjacent to one another is done in order that the higher device's speed will be capped by the lower speed parent device, as asserted by the Examiner. Although the Examiner is interpreting the Standard in this manner, there is no teaching in the Standard for this interpretation.

Additionally, Douceur merely teaches scheduling network communication packets in a multimedia environment where different packet streams have reservations of network bandwidth to form packet flows. This teaching has no application to connecting ports of nodes. Combining the teaching of the IEEE Standard of arranging nodes of the same speed capability adjacent to one another, with the teaching of Douceur of reserving network bandwidth for different packet

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streams, and the teaching of Gorin, would not result in the claimed feature of "connecting a non-used port of the node of the highest priority with a port of the node of the next priority." At least for this reason, Applicant respectfully submits that the invention, as defined by claims 1 and 3, and by the claims dependent on claims 1 and 3, is not rendered obvious by the cited references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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